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SIPDIS

DEPARTMENT FOR S/WCI (WITTEN), L/PM (AHAINES), SCA/CEN (J.
MUDGE)

OSD FOR DOD/OGC (BEAVER), OUSD/DETAINEE POLICY (LIOTTA)

NSC FOR CAMPONOVO

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: PTER KAWC PINR PREL KZ

SUBJECT: KAZAKHSTAN: DISCUSSIONS ON GUANTANAMO DETAINEES

REF: Almaty 1946

¶1. (SBU) Summary: In a June 29 meeting regarding the possible transfer of Kazakhstani citizens detained at Guantanamo, an MFA Consular Services representative stated that the GOK could give no guarantees that the transferred detainees would never again engage in terrorism, asked for the background and details of the cases against the detainees, and queried as to the exact methods possible to make the transfer. See para. 6 for action request. End summary.

¶2. (SBU) On June 29, Poloff met with Ualikhan S. Sanginkhanov, Head of the MFA's Division of Europe and America, Department of Consular Services to further discuss the Kazakhstani detainees at Guantanamo Bay. Poloff explained that the detainees are being held as enemy combatants and not criminals, so there is no law enforcement angle. Sanginkhanov brought up a number of issues that he asked to be passed to Washington.

¶3. (SBU) Sanginkhanov's first point was that the GOK can not give any guarantees that the transferred detainees will not engage in terrorist activities. He explained that the Committee for National Security (KNB) would carefully monitor the individuals and could take a number of steps to mitigate the risk of future terrorist activities, but that it was impossible to be completely certain that they would never again engage in terrorism. Poloff explained that the U.S. is requesting that Kazakhstan guarantee that it will do what it can, within Kazakhstani law, to mitigate the risks.

¶4. (SBU) Second, Sanginkhanov said that the GOK could not take custody of the detainees without knowing all of the details of the cases, i.e. what kind of terrorist acts they were engaged in, what they are accused of, etc.

¶5. (SBU) Finally, Sanginkhanov wanted to know the exact methods for returning the detainees and what would be expected of the GOK.

¶6. (SBU) Comment and request for guidance: It appears that the Kazakhstani side was satisfied with the explanation (reftel) that the detainee issue and the conclusion of a Mutual Legal Assistance Treaty (MLAT) are unrelated. Sanginkhanov did not bring up the creation of an MLAT during

the meeting. Post requests that the Department provide, as soon as possible, background information on the three detainees approved for transfer as well as guidance for sharing the information with the GOK. Post also requests detailed information to be shared with the GOK regarding the possible methods for completing the transfer. End comment/request for guidance.

ORDWAY